



## Background

In order to effectively manage copyright materials used within learning objects (LOs), The Le@rning Federation (TLF) has identified three categories of intellectual property (IP).

The three categories are:

- contractor IP
- project IP
- third-party IP.

Essentially, these distinctions relate to where the IP originated from and therefore which rights apply. TLF records and manages information about each item of IP, including the associated rights, in its IP management database. This database is known as CRISP.

## Notifying TLF of different types of materials

Developers must notify TLF about materials used within LOs. To do this, developers should complete the 'Inventory of intellectual property' table within the functional specification document for each LO. To avoid unnecessary confusion and the documenting of unnecessary issues during quality assurance (QA) reviews, please list any content that TLF could reasonably consider to be third-party material in the IP table.

It is important to clearly indicate which category of IP (contractor IP, project IP\* or third-party IP) each item belongs to. Please note that contractor IP includes pre-existing developer IP.

## Categories of intellectual property

Please refer to the table below for:

- a definition of each category
- examples of the types of materials that may belong to each category
- information regarding the relevant licence for each category.

Category of IP	Examples	Licensing requirements
<b>Contractor IP</b>		
<p>Sometimes referred to as 'pre-existing developer IP', this is IP that has been created, developed or acquired by the contractor either:</p> <p>(i) prior to the project (ii) for purposes other than performing the project.</p> <p><i>Contractors must notify TLF in the 'Inventory of intellectual property' if items in this category will be included in the LO.</i></p>	<p>1 Image from the contractor's library (ie, the contractor owns the copyright).</p> <p>2 Animation created by a freelancer who was employed by the contractor for a prior, non-TLF project.</p> <p>3 Audio file created for a non-TLF project (ie, the contractor owns the copyright).</p>	<p>The content development agreement (and any subsequent agreements) between TLF and the contractor contains the licence for TLF to use contractor IP.</p> <p>The licence terms are set out in the agreement(s).</p> <p>It is the contractor's responsibility to ensure they have the permission to license the work to TLF on the terms set out in the agreement(s).</p>



Category of IP	Examples	Licensing requirements
<b>Project IP</b>		
<p>IP rights developed in the course of, or as a result of, performing the project.</p> <p><i>* If the photos, sound effects or music used in a LO are actually project IP, please indicate this in the 'Inventory of intellectual property' table.</i></p>	<p>1 Image taken by the contractor or its subcontractors for use in the LO, eg an image of a bicycle.</p> <p>2 Video for the learning object.</p> <p>3 Audio file recorded for LO.</p> <p>4 Diagram created by the contractor to illustrate the structure of the ear. The contractor may have referred to an existing diagram to ensure that the representation is accurate, but the diagram used in the LO and the digital file originate from the contractor.</p>	<p>The content development agreement(s) between TLF and the contractor details the rights applicable to project IP.</p>
<b>Third-party IP</b>		
<p>IP rights owned by parties other than the contractor or the project.</p> <p><i>Contractors must notify TLF in the 'Inventory of intellectual property' table if items in this category will be included in the LO.</i></p>	<p>1 Audio file of Charles Kingsford Smith about the flight of the <i>Southern Cross</i>, owned by the National Film and Sound Archive.</p> <p>2 Image that appears on an Indonesian website.</p> <p>3 Historical image found on a website. Apart from the rights involved in the digital image, ** the original image might be out of copyright under Australian copyright law, but in copyright under New Zealand law.</p> <p>4 Digital file containing a copy of an existing third-party diagram of the structure of the ear or a digital file that is identical to the existing third-party file except that the developer has changed some colours used in the original graphic.</p>	<p>TLF licenses third-party IP from the copyright holder(s).</p>

\*\* For example, TLF applies to the Australian War Memorial (AWM) for permission to use digital images of old photographs that the AWM has produced and made available on the AWM website.



### **TLF policy on using third-party IP**

Where possible, developers should avoid using third-party material.

TLF only permits the use of third-party IP if:

- it is fundamental to meeting the objectives of the project scoping brief and the outcomes of the LO
- due to its authenticity, high quality and unique qualities, it cannot be replicated at all or at a lower cost.

### **Further queries:**

Please contact:

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